

SUMMARY MINUTES

**BUILDING ADVISORY BOARD
P.M.**

TUESDAY – SEPTEMBER 12, 2006 – 4:00

ROOM 107, CITY-COUNTY BUILDING

Members Present: Bob Haworth, Les Appleby, Vernie Stillings, Kenny Hancock, Rick Walters, Bob Dolan, Steve Barnett

Members Absent: Dallas Bruhl, Jim Manley

Staff Present: Mike Roberts, Sue Cline, Greg Bengtson

Audience Count: 3

Meeting was called to order by Bob Haworth, Chairman, at 4:02 p.m.

(A) Approval of August 8, 2006 minutes

MOTION: Vernie Stillings moved to approve minutes as written

SECOND: Rick Walters seconded the motion

DISCUSSION: None

VOTE: 9-0 approved – motion carried

(B) Further discussion of regarding the requirements for specialty contractor licensing, building contractor licensing requirements for commercial property owners, and continued registration for other contractors not otherwise required to be licensed. (postponed from 8-8-06 meeting)

Bob Haworth introduced the agenda item and reminded the board and audience that this particular agenda item was postponed from the August meeting. Mr. Haworth indicated that hopefully some final decisions can be made today, but said that we should keep in mind that future changes could be made if necessary.

Mike Roberts presented the staff report (see enclosed staff report, Exhibits A & B), and suggested that the board refer to the summary of action by the board included in the staff report. He also suggested that the board start with the issue of whether or not specialty contractors will be required to be tested to get a license.

Bob Haworth reviewed the information that the board has been given by staff regarding what other communities are doing on the issue of specialty contractors and licensing thereof. There are quite a variety of requirements in the other communities, so Mr. Haworth suggested that this board craft their decisions based on what they feel is best for Salina.

Mike Roberts pointed out that of the communities that were polled with regard to specialty contractors – those communities that require specialty contractor licenses also require those contractors to be tested in order to obtain a license. Mr. Roberts also indicated that some of those communities also allowed some sort of provisional or grandfathering type license.

Kenny Hancock suggested that the board take each issue as listed in the staff report and discuss and act on them separately and then see what items are remaining on the grid that need to be discussed and decided. Board membership agreed with this direction.

Issue #1 - Should any or all of the “Specialty Contractors”, recommended by the Board to be licensed, also be required to have a “Qualified Individual” who is qualified on the basis of experience or testing?

(Steve Barnett – arrived at 4:11)

Public Comments or Questions: None

Board Comments or Questions: None

MOTION: **Bob Dolan** made a motion to approve a recommendation which requires that “any or all licensed specialty contractors must also be required to have a qualified person in their employ that is qualified on the basis of experience or testing”.

SECOND: **Vernie Stillings**

DISCUSSION: None

VOTE: 7-0 to approve – motion carried

Issue #2 - If a Qualified Individual is required, should there be a similar allowance for provisional licenses as was created for the A,B and C class contractors?

Public Comments or Questions: None

Board Comments or Questions: None

MOTION: Vernie Stillings made a motion to approve a recommendation which “requires that whenever a specialty license requires a qualified person that person will also be allowed to obtain a provisional license upon meeting qualifications of a provisional license”.

SECOND: Kenny Hancock

DISCUSSION: None

VOTE: 7-0 to approve – motion carried

Issue #3 - If a Provisional license is approved, with experience acceptable in lieu of testing, what should the experience requirements be?

Board Comments or Questions: Some board members thought that other communities that Mike polled had no experience requirements for the licensed specialty contractors.

Mike Roberts clarified that Topeka did have an experience requirement. The board suggested how long of a period should be established for a history of experience – one year, two years etc.

Discussion continued including whether or not a contractor would need some minimum number of years as a registered contractor with the City of Salina.

Public Comments or Questions: **Mike Flory**, Pres., Salina Homebuilders Association suggested that instead of a contractor getting several specialty contractor licenses that person would probably choose to be a Class A, B or C contractor instead. That would make more sense.

No other public comment - Bob Haworth brought this item back to the board for action.

MOTION: **Kenny Hancock** made a motion to approve a recommendation that “contractors who are currently registered with the City of Salina at the time of application for a provisional specialty contractor license shall be allowed to present past experience in lieu of testing. That past experience shall consist of a minimum of two years and at least three jobs performed within that two year period in the type of work for which they are requesting a specialty contractor license. Those jobs shall be verifiable by using permit history, written affidavit with detailed job listing information”.

SECOND: **Rick Walters**

DISCUSSION: Greg Bengtson – had a question – Were you anticipating that those jobs that qualified for the three jobs to prove experience all be jobs within the city limits of Salina. Does the motion intend that to be a provision? Board members and staff discussed their intent.

Mike Roberts also asked if the board intended to establish an amount of time for a contractor to be able to apply for this provisional specialty license. He reminded them that they have already made a recommendation for the Class A,B,C contractors that they have six months in which to apply for a provisional license.

Vernie Stillings expressed concerns about his sons who have just recently become registered contractors (4 months ago) but they would not qualify for a provisional license because they do not meet the minimum requirements that the board is talking about in this motion.

Mike Roberts asked Vernie if he was talking about specialty contractor’s license for his sons, or a regular Class A, B, or C license. The board has already made their recommendation with regard to the provisional licensing of the Class A, B, or C contractors. Vernie suggested that maybe we should look at that again. (This comment was not in line with the motion on the floor.)

Bob Haworth asked if there were any amendments to the motion given the further discussion of this issue by the board. No changes to the motion.

VOTE: 7-0 to approve – motion carried

Issue #4 - Should continuing education be required for license renewal for specialty contractors, and if so, how much?

Board Comments or Questions: Several board members expressed an opinion that continuing education should be required, but they were not sure how much.

Some board members were interested to know what other cities comparable to Salina are doing regarding continuing education requirements.

Mike Roberts referenced a staff report indicating that several cities did not require continuing education for specialty contractors, but some did. Although some cities did require continuing education it was not clear if they required the same amount as the Class A, B or C contractors. Board members discussed what the appropriate number of hours might be. They were concerned about the lack of the appropriate classes to meet the needs of the specialty contractor and were generally in agreement that it might present a hardship to a specialty contractor to be required to obtain as many continuing education hours.

Bob Haworth expressed the opinion that continuing education should not be required of specialty contractors because there are not classes available which meet the needs of the specialty contractor.

Mike Roberts presented some information with regard to the Johnson County bi-annual week long seminars which allow contractors in the Kansas City area, Topeka and Lawrence to easily participate. Contractors from a further distance would have the expense of a motel and possibly more time off from their work in order to attend, but those classes are available to them also.

Public Comments or Questions:

Daryl Bixby, Contractor – stated that he agreed that continuing education should not be required for specialty contractors. He suggests that perhaps we need to research a little more to determine what is available for classes for them and consider some local sponsorship or classes.

MOTION: Steve Barnett made a motion to approve a recommendation that “specialty licensed contractors shall **not** be required to obtain continuing education credit hours in order to renew their license”.

SECOND: Vernie Stillings

DISCUSSION: None

VOTE: 7-0 to approve – motion carried

Issue #5 - Should Class A, B or C contractors be permitted to install signs or swimming pools?

Board Comments or Questions: Several board members expressed opinions which generally reflected less of a concern for a contractor to be licensed to install signs than for a contractor to be licensed to install permanent swimming pools.

Mike explained to the board that the reason staff is asking this question is because the general contractor examinations do not cover swimming pool or sign construction.

Public Comments or Questions: None

MOTION: Kenny Hancock made a motion to recommend that "Class A, B, and C licensed contractors be allowed to install signs but not permanent swimming pools".

SECOND: Steve Barnett

DISCUSSION: None

VOTE: 7-0 to approve – motion carried

Issue #6 - If a Class D license is established, what group of individuals or contractors should be included in this Class?

Item #7 - If property owners or their employees are permitted to do alterations or renovations, on their properties, that require a building permit, but do not require the services of a design professional, should the owner be required to be licensed as a Class D contractor, requiring proof of insurance, but not testing or continuing education?

Item #8 – If a property owner seeks to do work as suggested in item #7 which would include work that would require a licensed Specialty Contractor such as framing, should that work be done by a licensed Specialty Contractor?

Board members discussed their views on what a Class D license should "look like". They understand that this classification does not include any previously recommended classifications (Class A, B, C or the specialty contractors as listed on the grid sheet) Les Appleby presented his written recommendation (memo handed out at this meeting is included in the minutes- Exhibit C) outlining this particular classification. Discussion continued about whether or not to call this category a construction manager or something else. Several board members agreed that construction manager denotes a person who would be well educated about the construction process. Mr. Appleby indicated that since this category is intended to include an owner of commercial property and perhaps the title of construction manager may not be appropriate. Mr. Appleby reiterated the intent of this classification is to identify and allow oversight for a commercial/institutional property owner to act as a general contractor for projects pertaining to their property.

Public comments or questions:

Mike Flory questioned whether or not this category includes any other specialty contractors.

Mike Roberts clarified that the only item discussed right now is Les's memo proposing a Class D to be a classification exclusive to owner/manager. Mike Flory said that it seems this Class D category would be the appropriate place to put those other types of contractors for which there is no other classification. Mr. Flory said that at least that would make it so that those contractors

are playing by the same rules as everyone else, with regard to at least having the minimum liability insurance.

Les Appleby indicated that his recommendation would be to have the owner/manager in a separate classification as intended by his memo.

MOTION: Les Appleby made a motion to approve a recommendation to “create a *Class D-Owner/Manager* license category, which would allow the legal owner of record of a commercial property to act as the general contractor for the purposes of obtaining a building permit and managing the construction work for the scope of work included on the permit. This category of license would limit the licensee to a per project valuation of not more than \$99,000. Trade work subject to a permit shall be performed by licensed contractors for each specified trade or specialty as outlined by the scope of work included on the permitted project. This category shall be a license, not a registration, and shall not have a testing requirement. The continuing education requirement for this category of license shall consist of six hours of approved continuing education per year. A provisional license shall not be granted for this category of license. Minimum requirements in order to obtain a *Class D Owner/Manager* license shall be at least two years as a registered contractor with the City of Salina, and permits issued within those two years with the required occupancy certificates also issued on those permits.”

SECOND: (I did not get the 2nd on this one)

DISCUSSION:

VOTE: 7-0 to approve – motion carried

Mike Roberts reminded the board that they need to consider what to do with all other contractors who do not fall into any of the license classifications. Shall they be required to be licensed, or registered or no requirements at all?

MOTION: Rick Walters made a motion to recommend that “all contractors not required to be licensed in the other categories *as listed on the grid* shall be required to be registered as they currently are required to be, with no education, no testing, no experience, but with the required proof of minimum liability insurance”.

SECOND: Steve Barnett

DISCUSSION: Review of motion and intent of motion by the board. This motion intends to be simply a registration with the requirements as they are currently for a registered contractor.

VOTE: 7-0 to approve – motion carried

Additional Item - A:

Other items of review in order to complete all considerations as indicated by the grid included re-addressing the possibility that a sunset date be applied to the specialty contractors. Some board members indicated that perhaps specialty contractors should be required to have some continuing

education in the first three years of their specialty licensing period and then once that is met, their license would convert to a regular specialty contractor license and no further continuing education would be required. Discussion continued as to how many hours would be appropriate. Since each license requires a qualified person, it is the qualified person who would be required to obtain the continuing education hours.

Mike Flory expressed an opinion indicating that his concern of the lack of classes available for specialty contractors is valid and he suggests that the board consider a much lesser amount of hours of continuing education for the specialty contractors for that reason. Mr. Flory expressed concerns about contractors needing to travel significant distances to get to these classes and did say that the Homebuilders Association is checking into the possibility of partnering with the City in sponsoring continuing education classes.

Mike Roberts said that a contractor seeking continuing education classes does not necessarily have to take a class specific to his trade or the type of work that he does. So that would give specialty contractors a little more flexibility on being able to find classes.

MOTION: **Rick Walters** moved to recommend that "all specialty contractors required to be licensed shall also be required to obtain 9 hours (e per year) of continuing education within the first three years after issuance of their license for a particular specialty. Once those continuing education hours are obtained then the license would convert to a regular specialty contractor license and no further continuing education would be required for that license.

SECOND: **Kenny Hancock**

DISCUSSION: None

VOTE: 7-0 to approve – motion carried

Additional Item - B:

It was pointed out by Mike Roberts that staff has confirmed that there are tests available for fire sprinkler and fire alarm contractors. The board discussed briefly this particular item.

MOTION: **Kenny Hancock** moved to recommend that "fire sprinkler and fire alarm and communication contractors shall be required to be licensed as a specialty contractor".

SECOND: **Steve Barnett**

DISCUSSION: None

VOTE: 7-0 to approve – motion carried

(C) Other Business

Mike Roberts presented a staff report (see enclosed-Exhibit D) regarding the experience requirements for licensed electrical contractors.

Brief discussion by the board followed.

MOTION: **Bob Dolan** moved to approve the changes to Section 8-180 of the Salina Municipal Code, "Qualifications for Examination", as presented in the staff report, which is worded as follows:

Sec. 8-180. Qualifications for Examination

Application for examination for building contractor or skilled trade licensing shall be made to the Building Services Department. Such application for skilled trade licensing shall contain an affidavit verifying the following experience requirements;

- (1) Master. An applicant for the master examination must certify a minimum of four (4) years of field experience in the trade for which they seek licensure, doing the type of work they will be required to perform, supervise or direct, under the direct supervision of a person holding a valid journeyman or master certificate. Satisfactory completion of 240 hours of classroom training in the trade for which licensing is sought at an accredited trade school **and** three (3) years practical experience may be accepted in lieu of the foregoing requirements.
- (2) Journeyman. An applicant for the journeyman examination must certify a minimum of two (2) years of field experience in the trade for which they seek licensure, doing the type of work they will be required to perform, under the direct supervision of a person holding a valid journeyman or master certificate. Satisfactory completion of 240 hours of classroom training in the trade for which licensing is sought at an accredited trade school **and** one (1) years practical experience may be accepted in lieu of the foregoing requirements.

SECOND: **Vernie Stillings**

DISCUSSION: None

VOTE: 7-0 to approve – motion carried

Mike Roberts reminded the board that there is some unfinished business with regard to the insurance requirements. Although the board has voted on their recommendation for each category and whether or not insurance will be required, they have not decided on the details of the amount of insurance for each license category. Should the licensing requirements be the same for everybody? Should they be less for specialty contractors? Should they be more for other classifications of licenses?

Brief discussion followed.

MOTION: **Rick Walters** moved to recommend that "the requirement for all contractors in all categories be a minimum of \$500,000.00 of liability insurance coverage.

SECOND: **Steve Barnett**

DISCUSSION: None

VOTE: 7-0 to approve – motion carried

Bob Haworth thanked the board members and staff for their considerable time and effort in making all of these decisions today and in past meetings on the subject of contractor licensing.

Mike Roberts announced that the next meeting will be October 10, 2006 and agenda items will include a presentation on permit fee increases and permit valuation calculation with an anticipated fee change in 2007.

Mike also informed the board that discussion on the 2006 code updates will probably begin in December. There is an anticipated appeal for the November meeting agenda.

MOTION TO ADJOURN: Mr. Haworth adjourned the meeting directly at 6:15 p.m.

Michael Roberts